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PERSONNEL QUESTIONS: OTHER PERSONNEL QUESTIONS

Amendments to the Staff Rules

Report of the Secretary-General

1. The Staff Regulations of the United Nations provide in regulation 12.3 that the full text of provisional staff rules and amendments shall be reported annually to the General Assembly.

A. 100 Series

2. Staff rules 101.1 to 112.8, which are applicable to all staff except technical cooperation project personnel and staff members specifically engaged for conferences and other short-term service, will appear as Secretary-General's bulletin ST/SGB/Staff Rules/1/Rev.7/Amend.3. This document will promulgate a number of changes reflecting recommendations of the General Assembly in resolutions 37/126, 38/232 and 41/213 concerning the application of the Secretary-General's discretion to evaluate the eligibility for permanent appointments of staff members on fixed-term appointments and to waive, totally or partially, the requirement of a period of probationary service, taking into account previous uninterrupted service on fixed-term appointments and the needs of the Organization. References to regular appointments, which are no longer used in the United Nations system, are deleted from a number of rules. The amendments relating to temporary and permanent appointments are without prejudice to the temporary suspension, in the light of the financial crisis and the reorganization measures, of the grant of new appointments, which remains in effect.

3. Other amendments incorporate agreements reached between organizations of the common system and at staff-management coordination meetings and update, clarify and editorially improve other staff rules.

4. The text of the amendments to the 100 Series of Staff Rules appears as annex I to the present report.

B. 200 Series

5. The text of the correlated amendments to staff rules 200.1 to 212.7, applicable to staff specifically recruited for service with technical cooperation projects, will appear in bulletin ST/SGB/Staff Rules/2/Rev.7/Amend.2 and are reproduced in annex II to the present report.

Annex I

AMENDMENTS TO CHAPTERS III, IV, V, VI, VII, IX, XI, XII AND APPENDICES C AND D OF THE 100 SERIES OF THE STAFF RULES

Rule 103.8

Salary and wage increments

Rule 103.8 (b), as amended, reads as follows:

(b) Notwithstanding paragraph (a) of this rule, in the absence of exceptional circumstances, salary increments falling due within a month of the date on which a review of a probationary appointment is due shall be withheld until a permanent appointment has been granted or the probationary period extended. Salary increments granted under this paragraph shall become effective in accordance with the provisions of paragraph (c) below.

Rule 103.9

Salary policy in promotions

Rule 103.9, as amended, reads as follows:

...

(e) Where the total net remuneration before promotion of a staff member in the General Service and related categories exceeds that at the Professional level before promotion, established in accordance with subparagraph (d) above, a personal transitional allowance in an amount sufficient to meet the requirements of subparagraph (a) will be paid until such time as it is overtaken by increases in net remuneration at the Professional level.

Rule 103.22

Mobility and hardship allowance

Rule 103.22, paragraphs (a), (b), (c) and (g), as amended, read as follows:

(a) For the purpose of this rule, "assignment" means the staff member's initial appointment or any subsequent movement to a new duty station for a period of one year or more which normally involves payment of the assignment grant.

(b) As an incentive to mobility and to compensate for hardship and non-removal of personal effects and household goods, a non-pensionable allowance composed of three elements - mobility, hardship and non-removal of personal effects and household goods - shall be payable upon arrival at the new duty station to internationally recruited staff members subject to the conditions set out in paragraphs (c), (d) and (e) below.

(c) ...

[(iii) Deleted]

...

(g) The mobility and hardship allowance shall be payable to staff in the Field Service category and to internationally recruited General Service staff in accordance with the conditions established by the Secretary-General.

Rule 104.3

Re-employment

Rule 104.3 (a), as amended, reads as follows:

(a) A former staff member who is re-employed shall be given a new appointment or, if re-employed within twelve months of being separated from service or within any longer period following retirement or disability under the Joint Staff Pension Fund Regulations, he or she may be reinstated in accordance with paragraph (b) below. If the former staff member is reinstated, it shall be so stipulated in his or her letter of appointment. If he or she is given a new appointment, its terms shall be fully applicable without regard to any period of former service except that such former service shall be counted for the purpose of determining seniority in grade. However, where a former staff member of the United Nations common system is granted a new appointment within twelve months of separation, any entitlement, benefit or accrual the staff member may have when separated for a second time should be adjusted in such a way that the total payments for the first and second separation do not exceed the amounts which would have been paid had the service been continuous.

Rule 104.12

Temporary appointments

Rule 104.12, paragraphs (a) and (b), as amended, read as follows:

On recruitment staff members may be granted one of the following types of temporary appointments: probationary appointment, fixed-term appointment or indefinite appointment.

(a) Probationary appointment

(i) The probationary appointment may be granted to persons under the age of fifty years who are recruited for career service. The period of probationary service under such an appointment shall normally be two years. In exceptional circumstances, it may be reduced or extended for not more than one additional year.

At the end of the probationary service the holder of a probationary appointment shall either be granted a permanent appointment or be separated from the service.

The probationary appointment shall have no specific expiration date and shall be governed by the Staff Regulations and Staff Rules applicable to temporary appointments which are not for a fixed term.

(ii) Without prejudice to the provisions of (b) (ii) below, the Secretary-General may, in appropriate cases, reduce or waive the required period of probationary service following an equivalent period of continuous service on fixed-term appointment.

(b) Fixed-term appointment

(i) The fixed-term appointment, having an expiration date specified in the letter of appointment, may be granted for a period not exceeding five years to persons recruited for service of prescribed duration, including persons temporarily seconded by national Governments or institutions for service with the United Nations.

(ii) The fixed-term appointment does not carry any expectancy of renewal or of conversion to any other type of appointment.

(iii) Notwithstanding subparagraph (ii) above, upon completion of five years of continuous service on fixed-term appointments, a staff member who has fully met the criteria of staff regulation 4.2, and who is under the age of fifty-three years, will be given every reasonable consideration for a permanent appointment, taking into account all the interests of the Organization.

...

Rule 104.13

Permanent appointment

Rule 104.13, as amended, reads as follows:

(a) Permanent appointment

(i) The permanent appointment may be granted, in accordance with the needs of the Organization, to staff members who, by their qualifications, performance and conduct, have fully demonstrated their suitability as international civil servants and have shown that they meet the high standards of efficiency, competence and integrity established in the Charter, provided that:

a. They have completed the period of probationary service required by rule 104.12 (a) (i), or

b. The period of probationary service has been waived in accordance with rule 104.12 (a) (ii), or

c. They have completed five years of continuous service under fixed-term appointments and have been favourably considered under the terms of rule 104.12 (b) (iii).

(ii) Permanent appointments shall be subject to review at the end of the first five years of service under such appointment.

(b) (i) Recommendations proposing the grant of permanent appointments on the ground that a staff member whose probationary period has been either completed or waived under the terms of rule 104.12 (a) (ii) or (b) (iii) has met the requirements of this rule may be made to the Secretary-General by agreement between the Office of Human Resources Management and the department or office concerned. Such agreements shall be reported to the Appointment and Promotion Board before submission to the Secretary-General.

(ii) Affirmative recommendations to the effect that the holder of a permanent appointment under a five-year review has maintained the requisite standards of suitability may similarly be made by agreement between the Office of Human Resources Management and the department or office concerned and shall be reported to the Appointment and Promotion Board before submission to the Secretary-General.

(c) Permanent appointments limited to service with one of the programmes, funds or subsidiary organs referred to in rule 104.14 (a) (i)

may be granted by its corresponding heads with the assistance of such boards as may be established in accordance with the provisions of the last sentence of rule 104.14 (a) (i).

Rule 104.14

Appointment and Promotion Board

Rule 104.14, paragraphs (a) (i) and (f), as amended, read as follows:

(a) (i) An Appointment and Promotion Board shall be established by the Secretary-General to give advice on the appointment, promotion and review of staff in the General Service and related categories and in the Professional category, and on the appointment and review of staff at the Principal Officer level, except those specifically recruited for service with any programme, fund or subsidiary organ of the United Nations to which the Secretary-General has delegated appointment and promotion functions. The Secretary-General shall also establish appointment and promotion committees and such other subsidiary panels as may be necessary to assist the Appointment and Promotion Board in the performance of its functions. The heads of the organs referred to above may establish boards whose composition and functions are generally comparable to those of the Appointment and Promotion Board to advise them in the case of staff members recruited specifically for service with those programmes, funds or subsidiary organs.

...

(f) Functions of the Appointment and Promotion Board

The function of the Appointment and Promotion Board shall be to make recommendations to the Secretary-General in respect of the following:

(i) Appointment

Proposed probationary appointments and other proposed appointments of a probable duration of one year or more, excluding the appointment of persons recruited specifically for service with a mission.

(ii) Review

a. The suitability for permanent appointment of staff members whose eligibility is established under the terms of rule 104.13 (a) (i). With respect to holders of probationary appointments, recommendations of the Board

may include extension of the probationary period for one additional year or separation from the service.

b. The review of appointments of staff members holding permanent appointments, as may be referred to it in accordance with the provisions of rule 104.13 (b) (ii). Upon completion of the first five years of service under such appointments, for the purpose of determining whether the staff member concerned has maintained the standards of efficiency, competence and integrity established in the Charter.

...

Rule 105.2

Special leave

Rule 105.2 (b), as amended, reads as follows:

(b) A staff member, other than one recruited specifically for a mission, who has completed one year of satisfactory probationary service or who has a permanent appointment and who is called upon to serve in the armed forces of the State of which the staff member is a national, whether for training or active duty, may be granted special leave without pay for the duration of such military service, in accordance with terms and conditions set forth in appendix C to these Rules.

Rule 106.2

Sick leave

Rule 106.2 (a) (iv), as amended, reads as follows:

(a) Staff members who are incapacitated from the performance of their duties by illness or injury or whose attendance is prevented by public health requirements will be granted sick leave in accordance with the following provisions:

...

(iv) A staff member who holds a permanent or indefinite appointment, who holds a fixed-term appointment for three years or who has completed three years of continuous service shall be granted sick leave up to nine months on full salary and nine months on half salary in any period of four consecutive years;

Rule 107.20

Assignment grant

Rule 107.20 (f), as amended, reads as follows:

(f) Where both husband and wife are staff members who are travelling at United Nations expense to a duty station, and taking into account rule 104.10 (d), the daily subsistence allowance portion of the assignment shall be paid to each in respect of himself or herself. If they have a dependent child or children, the assignment grant in respect to such child or children shall be paid to the staff member on whom the child is recognized to be dependent.

Rule 107.22

Insurance

Rule 107.22 (b), as amended, reads as follows:

(b) In the case of unaccompanied shipments authorized under rule 107.21, except on home leave, family visit or education grant travel, insurance coverage will be provided by the Organization up to a maximum of:

(i) $16,000 for the staff member;

(ii) $8,000 for the first eligible family member; and

(iii) $4,800 for each additional family member;

...

Rule 107.23

Travel advances

Rule 107.23, as amended, reads as follows:

(a) Staff members authorized to travel shall provide themselves with sufficient funds for all current expenses by securing an advance of funds if necessary. A reasonable advance of funds against the estimated reimbursable travel expenses may be made to a staff member or his or her family members for expenses authorized under these Rules. An advance of funds shall be considered reasonable if not more than 80 per cent of the estimated reimbursable expenditures. If, in the course of travel, the staff member has earned in subsistence allowance an amount equal to the amount advanced, the staff member may be advanced the balance of the estimated reimbursable expenses.

(b) However, in those cases where a staff member is authorized to travel in accordance with staff rule 107.1 (a) (ii), an advance of funds at the rate of 100 per cent of the estimated travel subsistence allowance payable in accordance with staff rule 107.15 may be made.

Rule 107.27

Removal costs

Rule 107.27 (g), as amended, reads as follows:

(g) When an internationally recruited staff member is assigned to a duty station where the non-removal element of the mobility and hardship allowance, rather than payment of removal costs, is authorized, the United Nations shall pay the cost for the storage of personal effects and household goods and other pertinent charges, including the cost of insurance up to a maximum of $80,000 for a staff member without a spouse or dependent child and $130,000 for a staff member with a spouse or dependent child, provided that:

...

Rule 109.1

Special Advisory Board, definition of termination, and abolition of posts and reduction of staff

Rule 109.1 (c), as amended, reads as follows:

(c) Abolition of posts and reduction of staff

(i) Except as otherwise expressly provided in subparagraph (ii) b below, if the necessities of the service require abolition of a post or reduction of the staff and subject to the availability of suitable posts in which their services can be effectively utilized, staff members with permanent appointments shall be retained in preference to those on all other types of appointments and staff members with probationary appointments shall be retained in preference of those on fixed-term or indefinite appointments, provided that due regard shall be had in all cases to relative competence, to integrity and length of service. Due regard shall also be had to nationality in the case of staff members with no more than five years of service and in the case of staff members who have changed their nationality within the preceding five years when the suitable posts available are subject to the principle of geographical distribution.

(ii)

...

b. Staff members specifically recruited for service with any programme, fund or subsidiary organ of the United Nations which enjoys a special status in matters of appointment under a resolution of the General Assembly or as a result of an agreement entered by the Secretary-General, have no entitlement under this rule for consideration for posts outside the organ for which they were recruited.

Rule 109.5

Repatriation grant

Rule 109.5, paragraphs (c) and (k), as amended, read as follows:

(c) If at any time a staff member was considered to have acquired permanent residence in the country of his or her duty station and subsequently changed from such status, the staff member's continuous service will be deemed to have commenced at the time the change was made. Continuity of such service shall not be considered as broken by period of special leave. However, for the purpose of calculating the amount of the grant payable, service credit shall not accrue during periods of special leave with partial pay or without pay of one full month or more.

...

(k) Where both husband and wife are staff members and each is entitled, on separation, to payment of a repatriation grant, and taking into account rule 104.10 (d), payment shall be made to each, at single rates, according to their respective entitlements, provided that, where dependent children are recognized, the first parent to be separated may claim payment at the rate applicable to a staff member with a spouse or dependent child. In this event, the second parent, on separation, may claim payment at the single rate for the whole period of qualifying service or, if eligible, at the rate applicable to a staff member with a spouse or dependent child for the whole period of his or her qualifying service, from which shall normally be deducted the amount difference between the dependency rate and the single rate of the repatriation grant paid to the first parent.

Rule 111.2

Appeals

Rule 111.2 is amended to read as follows:

(a) A staff member wishing to appeal an administrative decision, pursuant to staff regulation 11.1, shall, as a first step, address a letter to the Secretary-General, requesting that the administrative decision be reviewed; such a letter must be sent within two months from the date the staff member received notification of the decision in writing.

(i) If the Secretary-General replies to the staff member's letter, he or she may appeal against the answer within one month of the receipt of such reply;

(ii) If the Secretary-General does not reply to the letter within one month in respect of a staff member stationed in New York, or within two months in respect of staff member stationed elsewhere, the staff member may appeal against the original administrative decision within one month of the expiration of the time-limit specified in this subparagraph for the Secretary-General's reply.

(b) The Secretary-General, in reviewing the administrative decision in question, may, with the consent of the staff member or at the latter's request, seek the assistance of a chairperson or member of the appropriate Joint Appeals Board, to be designated by its presiding officer, with a view to reaching a conciliatory conclusion of the matter. This procedure is without prejudice to the right of the staff member to pursue an appeal under the provisions of this rule.

(c) Neither a request for administrative review under paragraph (a) above nor the filing of an appeal under paragraph (d) below shall have the effect of suspending action on the contested decision;

(i) However, the staff member concerned may request a suspension of action on such decision by writing to the Secretary of the appropriate Joint Appeals Board under paragraph (d) below. The request shall set forth the relevant facts and indicate how implementation would directly and irreparably injure the staff member's rights;

(ii) Upon receipt of such a request, a panel of the Board shall be constituted promptly and shall act expeditiously. If the panel, after considering the views of both parties, determines that the decision has not been implemented and that its implementation would result in irreparable injury to the appellant, it may recommend to the Secretary-General the suspension of action on that decision:

a. Until the time-limits specified in subparagraph (a) (i) or (ii) have passed without an appeal having been filed, or

b. If an appeal is filed, until a decision on the appeal is taken;

(iii) The Secretary-General's decision on such a recommendation is not subject to appeal.

(d) An appeal pursuant to paragraph (a) or a request for suspension of action pursuant to paragraph (c) above shall be filed with the Secretary of the appropriate Joint Appeals Board, to be determined as follows:

(i) With respect to staff members serving at a duty station at which a Board has been established or who are administered by organizational units located at such duty station, it shall be the Board;

(ii) With respect to former staff members who last served at a duty station at which a Board has been established or who were administered by organizational units located at such a duty station, it shall be that Board;

(iii) With respect to all other staff members and of all other former staff members, it shall be the Board established in New York, provided that the Secretary-General may decide, at the request of the staff member, to refer the appeal to another one of the Boards or to establish an appropriate ad hoc body. Such staff members or former staff members may meet the time-limits specified in subparagraphs (a) (i) or (ii) by delivering the requisite submissions within such limits to any office of the United Nations for transmission to the appropriate Board.

(e) (i) For the consideration of each appeal, the presiding officer of the appropriate Joint Appeals Board shall constitute a panel of the Board, composed as follows:

a. A panel chairperson from among the chairpersons of the Board;

b. A member selected from among those appointed by the Secretary-General;

c. A member selected from among those elected by the staff;

(ii) In constituting such panels, the maximum possible rotation of chairpersons and members of the Board shall be observed: the modalities of such rotation shall be specified in the rules of procedure of the Board. No

person who has assisted the Secretary-General in a conciliation procedure referred to in paragraph (b) shall serve on a panel established to consider an appeal relating to the same case;

(iii) Before a panel undertakes consideration of an appeal, the parties shall be notified of the proposed composition thereof. The presiding officer of the Board may, at the request of either party, disqualify the chairperson or either member if, in the opinion of the presiding officer, such action is warranted to ensure impartiality. He or she may also excuse the chairperson or either member from serving on the panel;

(iv) Subject to the principles set out in subparagraphs (i) to (iii), the presiding officer of the Board shall fill any vacancies arising on the panel.

(f) An appeal shall not be receivable unless the time-limits specified in paragraph (a) above have been met or have been waived, in exceptional circumstances, by the panel constituted for the appeal.

(g) At the duty station where the appeal is considered, the designated representative of the Secretary-General shall submit a written reply within two months following the date of receipt of the appeal.

(h) Proceedings before a panel shall normally be limited to the original written presentation of the case, together with brief statements and rebuttals, which may be made orally or in writing, in one of the working languages of the Secretariat.

(i) A staff member may arrange to have his or her appeal presented to the panel on his or her behalf by another serving or retired staff member. The staff member may not, however, be represented before the panel by any other person.

(j) Where the competence of the Joint Appeals Board is in doubt, the panel constituted for the appeal shall decide.

(k) In the case of termination or other action on grounds of inefficiency or relative efficiency, the panel shall not consider the substantive question of efficiency but only evidence that the decision was motivated by prejudice or by some other extraneous factor.

(l) The panel shall have authority to call members of the Secretariat who may be able to provide information concerning the issues before it and shall have access to all documents pertinent to the case. Notwithstanding the preceding sentence, should the panel wish to have information or documents relating to the proceedings of the appointment and promotion bodies in questions involving appointment and promotion, it shall request such information or documents from the Chairperson of the

Appointment and Promotion Board, who shall decide on the panel's request, taking into account the interests of confidentiality. This decision of the Chairperson is not subject to appeal. The Chairperson of the panel shall determine which documents are to be transmitted to all members of the panel and the parties.

(m) In considering an appeal, the panel shall act with the maximum dispatch consistent with a fair review of the issues before it.

(n) Within one month of the date on which the consideration of an appeal has been completed, the panel shall, by majority vote, adopt and submit a report to the Secretary-General. The report shall be considered as constituting a record of the proceedings in the appeal and may include a summary of the matter as well as all recommendations that the panel considers appropriate. Votes on the recommendations shall be recorded and any member of the panel may have his or her dissenting opinion included in the report.

(o) The final decision on the appeal will normally be taken by the Secretary-General within one month after the panel has forwarded its report, and shall be communicated to the staff member, together with a copy of the panel's report. The Secretary-General's decision and a copy of the panel's report shall also be transmitted to a designated officer of the staff representative body or bodies at the duty station at which the Joint Appeals Board is established, unless the staff member objects.

(p) To enable staff members to exercise their right to make application to the Administrative Tribunal under article 7, paragraphs 2 (b) and (c), of its statute, the Secretary of the Joint Appeals Board concerned shall, at the request of the staff member, communicate to him or her the report of the panel, if the Secretary-General has not made a decision upon the report within a period of one month after the date on which the report was submitted to him.

Rule 112.8

Effective date and authentic texts of rules

Rule 112.8 is amended to read as follows:

Except as otherwise indicated and subject always to the provisions of regulations 12.1, 12.2, 12.3, 12.4 and 12.5, rules 100.1 to 112.8 as published in the present revised edition (ST/SGB/Staff Rules/1/Rev.7/Amend.3) shall be effective 1 January 1993. The English and French texts of these rules are equally authoritative.

Appendix C

ARRANGEMENTS RELATED TO MILITARY SERVICE

...

Appendix C, paragraph (c), is amended to read as follows:

(c) Staff members who have completed one year of satisfactory probationary service or who have a permanent appointment may, if called by a Member Government for military service, whether for training or active duty, be placed on special leave without pay for the duration of their required military service. Other staff members, if called for military service, shall be separated from the Secretariat according to the terms of their appointments.

Appendix D

RULES GOVERNING COMPENSATION IN THE EVENT OF DEATH, INJURY OR ILLNESS ATTRIBUTABLE TO THE PERFORMANCE OF OFFICIAL DUTIES ON BEHALF OF THE UNITED NATIONS

Article 16

Advisory Board on Compensation Claims

Appendix D, article 16 (d), is amended to read as follows:

(d) The Board shall consist of:

(i) Three representatives of the Administration appointed by the Secretary-General;

(ii) Three representatives of the staff appointed by the Secretary-General on the recommendation of the Staff Committee;

who should have the necessary expertise in administrative and personnel matters.

Annex II

AMENDMENTS TO THE 200 SERIES OF THE STAFF RULES

Rule 203.11

Mobility and hardship allowance

Rule 203.11 (b), as amended, reads as follows:

(b) As an incentive to mobility and to compensate for hardship and non-removal of personal effects and household goods, a non-pensionable allowance composed of three elements - mobility, hardship and non-removal of personal effects and household goods - shall be payable to project personnel upon arrival to the new duty station subject to the conditions set out in paragraphs (c), (d) and (e) below.

...

The mobility element of the allowance will become payable upon arrival at the new duty station and shall be discontinued or reduced under terms and conditions established by the Secretary-General.

Rule 207.21

Insurance

Rule 207.21 (b), as amended, reads as follows:

(b) In the case of personal effects and household goods shipped under rule 207.20 (e) or (f) the United Nations will arrange for commercial insurance coverage up to a maximum of:

(i) $16,000 for the staff member;

(ii) $8,000 for the first eligible family member; and

(iii) $4,800 for each additional family member;

...

Rule 207.22

Travel advances

Rule 207.22, as amended, reads as follows:

(a) Project personnel authorized to travel shall provide themselves with sufficient funds for all current expenses by securing an advance of funds if necessary. A reasonable advance of funds against the estimated reimbursable travel expenses may be made to project personnel or their family members for expenses authorized under these Rules. An advance of funds shall be considered reasonable if not more than 80 per cent of the estimated reimbursable expenditures. If, in the course of travel, project personnel have earned in subsistence allowance an amount equal to the amount advanced, they may be advanced the balance of the estimated reimbursable expenses. No advance shall be made in the case of travel by automobile.

(b) However, in those cases where project personnel are authorized to travel in accordance with staff rule 207.1 (a) (ii), an advance of funds at the rate of 100 per cent of the estimated travel subsistence allowance payable in accordance with staff rule 207.3 (iii) may be made.

Rule 209.8

Conditions governing payment of repatriation grant

Rule 209.8 (j), as amended, reads as follows:

(j) Where both husband and wife are employed by the United Nations or by a specialized agency and each is entitled, on separation, to payment of a repatriation grant and taking into account rule 204.7, payment shall be made to each, at single rates, according to their respective entitlements, provided that, where dependent children are recognized, the first parent to be separated may claim payment at the rate applicable to a staff member with a spouse or dependent child. In this event, the second parent, on separation, may claim payment at the single rate for the whole period of qualifying service or, if eligible, at the rate applicable to a staff member with a spouse or dependent child for the whole period of his or her qualifying service, from which shall normally be deducted the difference between the dependency rate and the single rate of the repatriation grant paid to the first parent.

Rule 212.7

Effective date and authentic texts of rules

Rule 212.7, as amended, reads as follows:

Except as otherwise indicated and subject always to the provisions of regulations 12.1, 12.2, 12.3, 12.4 and 12.5, rules 200.1 to 212.7 as published in the present revised edition (ST/SGB/Staff Rules/2/Rev.7/Amend.2) shall be effective 1 January 1993 and shall supersede all previous rules applicable to project personnel. The English and French texts of these rules are equally authoritative.

Appendix III (rule 211.1)

Staff rule 111.2

Appeals

Staff rule 111.2 is amended to read as follows:

(a) A staff member wishing to appeal an administrative decision, pursuant to staff regulation 11.1, shall, as a first step, address a letter to the Secretary-General, requesting that the administrative decision be reviewed; such a letter must be sent within two months from the date the staff member received notification of the decision in writing.

(i) If the Secretary-General replies to the staff member's letter, he or she may appeal against the answer within one month of the receipt of such reply;

(ii) If the Secretary-General does not reply to the letter within one month in respect of a staff member stationed in New York, or within two months in respect of staff member stationed elsewhere, the staff member may appeal against the original administrative decision within one month of the expiration of the time-limit specified in this subparagraph for the Secretary-General's reply.

(b) The Secretary-General, in reviewing the administrative decision in question, may, with the consent of the staff member or at the latter's request, seek the assistance of a chairperson or member of the appropriate Joint Appeals Board, to be designated by its presiding officer, with a view to reaching a conciliatory conclusion of the matter. This procedure is without prejudice to the right of the staff member to pursue an appeal under the provisions of this rule.

(c) Neither a request for administrative review under paragraph (a) above nor the filing of an appeal under paragraph (d) below shall have the effect of suspending action on the contested decision;

(i) However, the staff member concerned may request a suspension of action on such decision by writing to the Secretary of the appropriate Joint Appeals Board under paragraph (d) below. The request shall set forth the relevant facts and indicate how implementation would directly and irreparably injure the staff member's rights;

(ii) Upon receipt of such a request, a panel of the Board shall be constituted promptly and shall act expeditiously. If the panel, after considering the views of both parties, determines that the decision has not been implemented and that its implementation would result in irreparable injury to the appellant, it may recommend to the Secretary-General the suspension of action on that decision:

a. Until the time-limits specified in subparagraph (a) (i) or (ii) have passed without an appeal having been filed, or

b. If an appeal is filed, until a decision on the appeal is taken.

(iii) The Secretary-General's decision on such a recommendation is not subject to appeal.

(d) An appeal pursuant to paragraph (a), or a request for suspension of action pursuant to paragraph (c) above, shall be filed with the Secretary of the appropriate Joint Appeals Board, to be determined as follows:

(i) With respect to staff members serving at a duty station at which a Board has been established or who are administered by organizational units located at such duty station, it shall be the Board;

(ii) With respect to former staff members who last served at a duty station at which a Board has been established or who were administered by organizational units located at such a duty station, it shall be that Board;

(iii) With respect to all other staff members and of all other former staff members, it shall be the Board established in New York, provided that the Secretary-General may decide, at the request of the staff member, to refer the appeal to another one of the Boards or to establish an appropriate ad hoc body. Such staff members or former staff members may meet the time-limits

specified in subparagraphs (a) (i) or (ii) by delivering the requisite submissions within such limits to any office of the United Nations for transmission to the appropriate Board.

(e) (i) For the consideration of each appeal, the presiding officer of the appropriate Joint Appeals Board shall constitute a panel of the Board, composed as follows:

a. A panel chairperson from among the chairpersons of the Board;

b. A member selected from among those appointed by the Secretary-General;

c. A member selected from among those elected by the staff;

(ii) In constituting such panels, the maximum possible rotation of chairpersons and members of the Board shall be observed: the modalities of such rotation shall be specified in the rules of procedure of the Board. No person who has assisted the Secretary-General in a conciliation procedure referred to in paragraph (b) shall serve on a panel established to consider an appeal relating to the same case;

(iii) Before a panel undertakes consideration of an appeal, the parties shall be notified of the proposed composition thereof. The presiding officer of the Board may, at the request of either party, disqualify the chairperson or either member if, in the opinion of the presiding officer, such action is warranted to ensure impartiality. He or she may also excuse the chairperson or either member from serving on the panel;

(iv) Subject to the principles set out in subparagraphs (i) to (iii), the presiding officer of the Board shall fill any vacancies arising on the panel.

(f) An appeal shall not be receivable unless the time-limits specified in paragraph (a) above have been met or have been waived, in exceptional circumstances, by the panel constituted for the appeal.

(g) At the duty station where the appeal is considered, the designated representative of the Secretary-General shall submit a written reply within two months following the date of receipt of the appeal.

(h) Proceedings before a panel shall normally be limited to the original written presentation of the case, together with brief statements

and rebuttals, which may be made orally or in writing, in one of the working languages of the Secretariat.

(i) A staff member may arrange to have his or her appeal presented to the panel on his or her behalf by another serving or retired staff member. The staff member may not, however, be represented before the panel by any other person.

(j) Where the competence of the Joint Appeals Board is in doubt, the panel constituted for the appeal shall decide.

(k) In the case of termination or other action on grounds of inefficiency or relative efficiency, the panel shall not consider the substantive question of efficiency but only evidence that the decision was motivated by prejudice or by some other extraneous factor.

(l) The panel shall have authority to call members of the Secretariat who may be able to provide information concerning the issues before it and shall have access to all documents pertinent to the case. Notwithstanding the preceding sentence, should the panel wish to have information or documents relating to the proceedings of the appointment and promotion bodies in questions involving appointment and promotion, it shall request such information or documents from the Chairperson of the Appointment and Promotion Board, who shall decide on the panel's request, taking into account the interests of confidentiality. This decision of the Chairperson is not subject to appeal. The Chairperson of the panel shall determine which documents are to be transmitted to all members of the panel and the parties.

(m) In considering an appeal, the panel shall act with the maximum dispatch consistent with a fair review of the issues before it.

(n) Within one month of the date on which the consideration of an appeal has been completed, the panel shall, by majority vote, adopt and submit a report to the Secretary-General. The report shall be considered as constituting a record of the proceedings in the appeal and may include a summary of the matter as well as all recommendations that the panel considers appropriate. Votes on the recommendations shall be recorded and any member of the panel may have his or her dissenting opinion included in the report.

(o) The final decision on the appeal will normally be taken by the Secretary-General within one month after the panel has forwarded its report, and shall be communicated to the staff member, together with a copy of the panel's report. The Secretary-General's decision and a copy of the panel's report shall also be transmitted to a designated officer of the staff representative body or bodies at the duty station at which the Joint Appeals Board is established, unless the staff member objects.

(p) To enable staff members to exercise their right to make application to the Administrative Tribunal under article 7, paragraphs 2 (b) and (c), of its statute, the Secretary of the Joint Appeals Board concerned shall, at the request of the staff member, communicate to him or her the report of the panel, if the Secretary-General has not made a decision upon the report within a period of one month after the date on which the report was submitted to him.